



ORIGINAL  
FILE

SUNFLOWER ELECTRIC POWER CORPORATION

P. O. Box 980 • 301 West 13th Street • Hays, Kansas 67601 • 913 - 628 - 2845

June 4, 1992

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

RECEIVED

JUN - 9 1992

Federal Communications Commission  
Office of the Secretary

RECEIVED BY

JUN 9 1992

MAIL BRANCH

Ref: ET Docket No. 92-9

Dear Ms. Searcy:

Please find enclosed our comments related to the Federal Communications Commission's spectrum reserve Notice of Proposed Rulemaking. If the Commission would require any further information regarding our comments, Sunflower would be pleased to assist in any way possible.

Sincerely,

Stephen J. Miller  
Senior Manager, External Affairs

Enclosures

No. of Copies rec'd 674  
List A C O E

RECEIVED

JUN - 9 1992

Federal Communications Commission  
Office of the Secretary

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the matter of )  
 )  
Redevelopment of Spectrum to ) ET Docket No. 92-9  
Encourage Innovation in the )  
Use of New Telecommunications )  
Technologies )

RECEIVED BY

JUN 9 1992

To: The Commission

MAIL BRANCH

COMMENTS OF SUNFLOWER ELECTRIC POWER CORPORATION

Pursuant to Section 1.415 of the Commission's Rules, Sunflower Electric Power Corporation (Sunflower) hereby respectfully submits its comments on the Notice of Proposed Rulemaking (NPRM), FCC 92-20, released February 7, 1992, in the above captioned matter.

I. Introduction

Sunflower is a nonprofit, non-stock membership association operated as an electric generation and transmission cooperative, financed primarily through the Rural Electric Administration, which is an agency within the United States Department of Agriculture. Sunflower's mission is to supply electric power and energy to seven member distribution cooperatives which, in turn, serve 150,000 rural consumers in thirty-four western Kansas counties. Accordingly, Sunflower is owned by the retail consumers it serves, not by investors who hope to earn a profit from their investments.

Sunflower uses the abovementioned frequencies for primary and secondary relay protection for its 325MW coal-fired generating station; for System Control and Data Acquisition (SCADA) operations on the transmission system; for mobile radio communication, telephone and backup mainframe computer services.

II. The 1850-2200 MHz Band Should Not Be Reallocated For The Creation Of A

## Spectrum Reserve

Sunflower opposes a reallocation of spectrum in the 1850-2200 MHz band for the creation of a spectrum reserve for development of emerging technologies. If Sunflower is forced to vacate this band, capital expenditures of nearly two million dollars would be required to replace the existing microwave system currently serving our customers. Because of the rural nature of Sunflower's service area and the lack of population density that accompanies it, it is highly unlikely that PCN or other emerging technologies will even be deployed in our operating area.

Sunflower urges the Commission to consider alternate bands, such as the 2500-2690 MHz "wireless cable" band as a possible "home" for the spectrum reserve.

### III. Actions To Be Taken If 2 GHz Band Is Reallocated

If the 2 GHz band is reallocated for emerging technologies, Sunflower urges the Commission to grant indefinite co-primary status for all existing 2 GHz microwave systems and to permit reasonable system modifications and expansions. Although Sunflower does not anticipate future expansions, it is certainly necessary that any expansions be assured adequate space in the existing band.

Furthermore, Sunflower urges the Commission to adopt rules allowing for the use of voluntary negotiations between licensed users and new service providers.

Under no circumstances should new services in the band be authorized on an unlicensed basis or any other basis where existing users would be unable to secure reimbursement for relocation or for the identification of interference sources.

### IV. The FCC Should Open The 4, 6, and 11 GHz Bands For Private Microwave Use

Sunflower supports the "Petition for Rulemaking," filed by the Utilities Telecommunications Council on March 31, 1992, to make the 4 GHz, 6 GHz, and 11 GHz common carrier bands available for routine licensing in the Private Operational Microwave Service under Part 94, and to adopt appropriate channeling plans and technical standards to ensure that these bands are adequate to meet the needs of existing and future private microwave systems.

### V. Conclusion

As a relatively small electric utility operating in western Kansas, Sunflower is only now recovering from a severe economic decline that nearly resulted in the company's bankruptcy. The economic difficulties were caused in large part by the Fuels Use Act that prohibited Sunflower from using natural gas as the fuel source for the generation of electrical power after 1989. In reaction to the legislation, Sunflower incurred significant capital costs that have been a difficult burden to its ratepayers.

Accordingly, Sunflower is very sensitive to legislation that will result in the loss of the benefits of past capital expenditures and require new capital outlays.

If the proposed rules are adopted, Sunflower supports indefinite co-primary status for existing licensees and new technologies and supports a market based approach to negotiations between existing users and new technology licensees.

Sunflower remains in a very delicate financial condition and these proposed changes, coupled with other stresses on its cash flow, could cause the future of this utility to be in doubt. Sunflower is owned by the retail consumers it serves, not by investors who hope to earn a profit from their investments.

Wherefore, The Premises Considered, Sunflower Electric Power Corporation respectfully requests the Commission to consider these Comments in acting on the subject Notice of Proposed Rule Making.

Respectfully submitted,  
Sunflower Electric Power Corporation

By:   
L. Christian Hauck  
President & CEO

Sunflower Electric Power Corporation  
Post Office Box 980  
Hays, Kansas 67601

June 1, 1992